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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,921	11/04/2005	Frederick Leslie Brown	CUNANT 1716US	4319
20210	7590	10/09/2007		
DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			EXAMINER WILLIAMS, MAURICE L	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/555,921	Applicant(s) BROWN, FREDERICK LESLIE	
	Examiner Maurice Williams	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/07/05, 11/04/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether applicant is attempting to claim the position of the motors in the rear wheels or the position of the motor in the front wheel.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 3,272,365) in view of Jahns et al. (US 7,163,088). Stevens discloses a fork lift truck comprising:

a truck body (**10**), a lift mechanism (**128**) connected to the truck body by means of a vertically extending pivot (**81**) and means for turning the lift mechanism (**22**) relative to the truck body; the truck body having a pair of rear ground engaging wheels (**20**)

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mounted on transverse axes, the lifting mechanism having a single ground engaging front wheel (**162**) mounted centrally on a transverse axis.

The lifting mechanism may be pivoted to the truck body at a steering angle of substantially 90 degrees or more (Fig. 1)

The front wheel is positioned forwardly of the pivot connection between the truck body and the lifting mechanism and is positioned as far forward as possible towards the load bearing part of the lifting mechanism (Fig. 1)

Stevens does not disclose a front wheel with independent drive means. Jahns discloses a front wheel (**W**) with independent drive means (**D**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Stevens as taught by Jahns in order to provide more control of the direction of the forward wheel.

3. Claims 17, 18, 20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Jahns as applied to claim 13 above, and further in view of Brown (US 2002/0050416).

Stevens and Jahns disclose as discussed above, but do not directly disclose an independent drive means on each of the rear wheels, which can be driven at different speeds. Brown discloses a vehicle wherein each wheel is independently driven by hydraulic motors (**54**), which are on the hub of the wheels (Fig. 3) and the wheels may be driven at different speeds (§ 0043, ln. 4-10). The motors are driven by an internal combustion engine (**48**). Therefore, it would have been obvious to a person having

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ordinary skill in the art at the time of the invention to modify Stevens as taught by Jahns and Brown in order to provide better handling and control of the turning radius of the truck.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Jahns and Brown as applied to claim 17 above, and further in view of Harty (US 2004/011572). Stevens, Jahns and Brown disclose as discussed above, but do not directly disclose a vehicle in which power is diverted to the wheels in accordance with the steering angle. Harty discloses a vehicle where power is given to the wheels in accordance with the steering angle (§ 0004, ln. 9-15). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Stevens as taught by Jahns, Brown and Harty in order to provide the vehicle with an efficient means of turning and decreasing the turning radius of the vehicle.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elliot (828).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurice Williams whose telephone number is (571) 272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m..

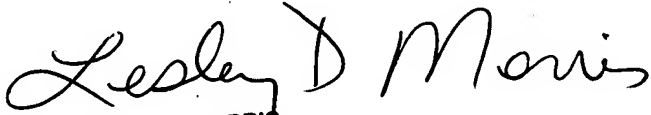
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Maurice Williams
Examiner
Art Unit 3611

MLW
October 1, 2007


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
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